



Docket No.: 239411US6

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/601,845

Applicants: Carmelo LO DUCA

Filing Date: June 24, 2003

For: BOX WITH POCKET FOR ILLUSTRATIVE  
LEAFLET

Group Art Unit: 3727

Examiner: ELKINS, GARY E

SIR:

Attached hereto for filing are the following papers:

**PETITION UNDER 37 C.F.R. § 1.181**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Gregory J. Maier  
Registration No. 25,599

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

Philip J. Hoffmann  
Registration No. 46,340



DOCKET NO: 239411US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
CARMELO LO DUCA : EXAMINER: ELKINS, G.  
SERIAL NO: 10/601,845 :  
FILED: JUNE 24, 2003 : GROUP ART UNIT: 3727  
FOR: BOX WITH POCKET FOR :  
ILLUSTRATIVE LEAFLET

PETITION UNDER 37 C.F. R. § 1.181

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

This is a petition pursuant to 37 C.F.R. § 1.181(a)(3) requesting that the Examiner be instructed by the Commissioner or his representative to notify Applicants of proper consideration of each of the references included with the Information Disclosure Statement filing (IDS) filed on October 10, 2003.

STATEMENT OF FACTS

On October 10, 2003, Applicants filed the above-noted IDS under 37 C.F.R. §§ 1.97 and 1.98, as evidenced by the enclosed date-stamped filing receipt and copies of the IDS papers, including the List of References Cited by Applicant. The U.S. Patent and Trademark Office has not responded to this IDS filing by supplying Applicants with a copy of the List of References, which has been signed and dated by the Examiner to indicate consideration of each of the references. Rather, the Notice of Allowability includes an Examiner's Comment indicating that the IDS is not present in the U.S. Patent Office file.

ACTION REQUESTED

In light of the above, it is respectfully requested that the Examiner be directed to provide Applicants with a copy of the List of References filed on October 10, 2003, properly initialed and executed by the Examiner in correspondence with the rules.

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
Gregory J. Maier  
Registration No. 25,599  
Attorney of Record

Philip J. Hoffmann  
Registration No. 46,340

GJM/PH/me  
I:\ATTY\PH\23S\239411US\181 PETITION.DOC



BEST AVAILABLE COPY

E

Dept.: E/M

By: GJM:psn

OSMM&N File No. 239411US-6

Serial No. 10/601,845

In the matter of the Application of: Carmelo LO DUCA

For: BOX WITH POCKET FOR ILLUSTRATIVE LEAFLET

Due Date: October 10, 2003

The following has been received in the U.S. Patent Office on the date stamped hereon:

- |                                                              |                                                            |
|--------------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Dep. Acct. Order Form               | <input type="checkbox"/> PTO-1449                          |
| <input type="checkbox"/> Information Disclosure Statement    | <input type="checkbox"/> IDS/Related>List of Related Cases |
| <input type="checkbox"/> Cited References <u>6</u>           |                                                            |
| <input type="checkbox"/> Statement of Relevancy              |                                                            |
| <input type="checkbox"/> Cited Pending Applications <u>5</u> |                                                            |

I:\USER\SNAC\IDS\239411US\FR.DOC



COPY

Docket No. 239411US-6



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Carmelo LO DUCA

SERIAL NO: 10/601,845

GAU: 3727

FILED: June 24, 2003

EXAMINER:

FOR: BOX WITH POCKET FOR ILLUSTRATIVE LEAFLET

### INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

#### REFERENCES

- The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

#### RELATED CASES

- Attached is a list of applicant's pending application(s) which may be related to the present application. A copy of the claims and drawings of the pending application(s) is attached.
- A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

#### CERTIFICATION

- Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

#### DEPOSIT ACCOUNT

- Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number  
**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/03)  
H:\USER\SNACEDS\239411US\DS TRANS.DOC

**COPY**

Gregory J. Maier  
Registration No. 25,599

Linked to CPTMS	
10-16-03	239411US
DATE	CASE ID



### LIST OF RELATED CASES

<u>Docket Number</u>	<u>Serial or Patent Number</u>	<u>Filing or Issue Date</u>	<u>Inventor/Applicant</u>
228535US6	10/263,847	10/04/02	LO DUCA
235053US6	10/385,455	03/12/03	LO DUCA
238471US6	10/449,213	06/02/03	LO DUCA
239411US6*	10/601,845	06/24/03	LO DUCA
239412US6	10/602,650	06/25/03	LO DUCA
239936US6	10/614,010	07/08/03	LO DUCA

COPY



DOCKET NO: 239411US-6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
CARMELO LO DUCA : EXAMINER:  
SERIAL NO: 10/601,845 :  
FILED: JUNE 24, 2003 : GROUP ART UNIT: 3727  
FOR: BOX WITH POCKET FOR :  
ILLUSTRATIVE LEAFLET :

STATEMENT OF RELEVANCY

Reference DE 8618368U, on Form PTO 1449, discloses boxes comprising a rotatable flap, defining, with the box outer wall parallel and spaced from it, a pocket to house an illustrative leaflet in the box interior having its free end folded at 90° about itself to form a tab glued to an adjacent main sidewall of the box. These flaps, being glued to the main box wall during the box manufacturing process, prevent the box from being folded flat for shipping purposes without causing damage to the box.

Reference DE 32 08 777, on Form PTO 1449, is discussed in the specification.

I:\USER\SNACE\IDS\239411US\STATE REL .DOC

COPY

Linked to CPTMS	
10-16-03	239411 US
DATE	CASE ID

MAR 11 2005



SHEET 1 OF 1

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 239411US-6	SERIAL NO. 10/601,845	
LIST OF REFERENCES CITED BY APPLICANT		APPLICANT Carmelo LO DUCA				
		FILING DATE June 24, 2003		GROUP 3727		
<b>U.S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS
	AA	3,147,856	9/8/64	L. J. LIGHTNER, et al.		
	AB					
	AC					
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					
	AL					
	AM					
	AN					
<b>FOREIGN PATENT DOCUMENTS</b>						
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES                  NO	
	AO	EP-1219542 ✓	07/03/02	EUROPE		
	AP	EP-0911266	04/28/99	EUROPE		
	AQ	GB-2277077	10/19/94	GREAT BRITAIN		
	AR	DE 3208777	09/22/83	GERMANY		X
	AS	DE-8618368	10/02/86	GERMANY		X
	AT	DE 29901874 ✓	06/10/99	GERMANY		X
	AU					
	AV					
<b>OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)</b>						
	AW					
	AX					
	AY					
	AZ				<input type="checkbox"/> Additional References sheet(s) attached	
Examiner				Date Considered		

\*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

CCY

Linked to CPTMS	
70-16-03 239411US	
DATE	CASE #